

Appl. No. 10/771,681

Paper dated November 21, 2005

Reply to Office Action dated August 19, 2005

Amendments to the Drawings:

The attached 1 sheet(s) of drawings reflect the addition of new Figure(s) 6.

Attachments: New Sheet(s)

Appl. No. 10/771,681
Paper dated November 21, 2005
Reply to Office Action dated August 19, 2005

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

A. Status of the Claims and Explanation of Amendments

Claims 1-15 were pending, and were rejected. Claims 1-8, 12-15 were rejected pursuant to 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application No. 2003/0227774 to Martin et al. ("Martin"). [8/19/05 Office Action at pp. 3-4]. Claims 9-11 were rejected pursuant to 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin in view of U.S. Patent No. 5,984,495 to Chapman et al. ("Chapman"). [8/19/05 Office Action at pp. 4-5]. These rejections are addressed below.

Several formal matters were identified for correction in the office action. Claims 7 and 12 were rejected pursuant to 35 U.S.C. § 112, paragraph two, as allegedly being indefinite because of the use of the phrase "for example". [8/19/05 Office Action at page 3]. By this paper, claims 7 and 12 are amended to avoid these terms. In particular, the exemplary language of original claims 7 and 12 has been represented as new claims 16-18. Withdrawal of the rejection is requested.

Also, preferred language was cancelled from claims 9-10, and represented in new claims 19-20. By this paper, amendments were also made to claims 1, 3-9, 14. Claim 1 was amended to incorporate the features of claims 3-5, which were cancelled without prejudice or disclaimer. Claims 9 and 13 were amended into independent form. Claims 6-8 and 14 were amended to depend from claim 1, instead of cancelled claims 3 or 4. Also, new claim 21 was added. Support for this claim is found throughout the application as original filed, including original claim 9 and page 17 of the specification.

-7 of 12-

957788 v1

Appl. No. 10/771,681
Paper dated November 21, 2005
Reply to Office Action dated August 19, 2005

No new matter will be added to this application by entry of these amendments.

Entry is respectfully requested.

Also, the specification was objected to because of an alleged failure to disclose a headlight as claimed in claim 9. [8/19/05 Office Action at page 3]. Likewise, the drawings were objected to pursuant to 37 C.F.R. § 1.83 (a) for similar reasons. [8/19/05 Office Action at page 2]. By this paper, new figure 6 is added, which depicts the subject matter of original claim 9. No new matter will be added to this application by entry of new figure 6. Entry is requested, and withdrawal of the objection to claim 9 is requested.

B. Claims 1-2, 6-8, and 13-14 are Patentably Distinct from Martin

The rejection of claims 1-2, 6-8, and 13-14 is respectfully traversed. Applicant's claim 1 recites:

Headlight device, the intention of which is to emit at least one type of luminous beam, comprising

at least one luminous source and

at least one reflecting surface, to reflect luminous rays produced by the luminous source,

wherein the luminous source or at least one of the luminous sources comprises at least one element of the electroluminescent diode type, wherein each element of the electroluminescent diode type is oriented in such a way that at least one part of its ray propagation reaches, on the reflecting surface, a specific area of reflection which is dedicated to it, each specific area being more specially intended to fulfill a particular contribution of range, of breadth, or of comfort in the production of the luminous beam, and wherein the different specific areas of reflection are sectionalized.

Martin is directed to an axial LED source. In Martin, all the diodes are assembled in a single board, and they send light to a single reflector. In paragraph [0044], Martin states that "LED sources 210 are placed about lamp axis 204 in an axial arrangement where each LED source 210 is mounted to a post facet so a normal vector to its light emitting surface is

Appl. No. 10/771,681

Paper dated November 21, 2005

Reply to Office Action dated August 19, 2005

approximately perpendicular to lamp axis 204.” Thus, the LED sources 210 in Martin are gathered about the lamp axis, and are not split or associated to a matrix of reflective surfaces. Indeed, as shown in, for example, Figure 2A, there is only one reflector 212.

In paragraph [0046], Martin discusses a “segmented reflector” as follows:

“A segmented reflector 212 is mounted to base 208. Segmented reflector 212 is divided into a number of reflective segments. A reflector segment is a region that is optimized for an emitting area on a post facet (e.g., one or more LED sources on the post facet). In other words, a reflective segment has its focus at the emitting area on a post facet so it is primarily illuminated by light from one post facet. Each reflective segment can be a smooth simple surface, a smooth complex surface, or divided into a number of sub-segments called facets. Facets are typically used to manage light in the far field pattern.”

Neither this passage, nor any other passage of Martin teaches a reflect with specific reflecting areas which are dedicated to specific luminous sources and that are more specially intended to fulfill a particular contribution of range, of breadth, or of comfort in the production of the luminous beam.

Accordingly, Applicant respectfully suggests that Martin fails to teach, disclose or suggest “each element of the electroluminescent diode type is oriented in such a way that at least one part of its ray propagation reaches, on the reflecting surface, a specific area of reflection which is dedicated to it, each specific area being more specially intended to fulfill a particular contribution of range, of breadth, or of comfort in the production of the luminous beam, and wherein the different specific areas of reflection are sectionalized” as recited in Applicant’s claim 1. Thus, independent claims 1 and 13 (“at least one element of the electroluminescent diode type associated with reflecting surfaces composed of matrices of mirrors”) and its dependent claims 2, 6-8, and 14 are patentably distinct from Martin.

Appl. No. 10/771,681

Paper dated November 21, 2005

Reply to Office Action dated August 19, 2005

C. Claims 9, and 10 are Patentably Distinct from Martin in view of Chapman

The rejection of claims 9-10 also is respectfully traversed. Applicant's claim 9 recites:

9. Headlight device, the intention of which is to emit at least one type of luminous beam, comprising
at least one luminous source and
at least one reflecting surface, to reflect luminous rays produced by the luminous source,
wherein the luminous source or at least one of the luminous sources comprises at least one element of the electroluminescent diode type and is supplemented by an element giving out rays of the halogen-lamp type or of the discharge-lamp type.

Martin is limited to the use of LEDs as light sources as recognized by the Office Action. [See 8/19/05 Office Action at p. 4]. As for Chapman, it is mainly focused on airplanes, even though automobile headlights are mentioned briefly. The diodes of Chapman are infra red ones, in order to address a very particular technical problem. [See Col. 2, lines 22-25 and column 4, lines 1-2]. The idea of Chapman is not to associate the light emitted by a halogen lamp with the light emitted by the diodes, but to have them work alternatively, in the visible field for the halogen lamp, in the infra red for the diodes. [See column 5, lines 33-48 and Figure 7].

Accordingly, neither Martin nor Chapman teaches, discloses or suggests "wherein the luminous source or at least one of the luminous sources comprises at least one element of the electroluminescent diode type and is supplemented by an element giving out rays of the halogen-lamp type or of the discharge-lamp type" as recited in Applicant's claim 9.

Moreover, Applicant respectfully asserts that the Office Action is relying on hindsight reconstruction of Applicant's invention. First, the stated motivation lacks any factual citation to the cited references themselves. The stated motivation for combining Martin and

Appl. No. 10/771,681
Paper dated November 21, 2005
Reply to Office Action dated August 19, 2005

Chapman is "to provide a headlight having an increased visual spectrum and therefore, increased visibility for heightened safety." No citation in the references themselves is provided to support this statement.

Second, as mentioned above Chapman related to airplanes. His use of infra red LEDs is for a specific purpose, and would be invisible to the naked eye. [Column 2, lines 25-29]. We fail to see how Chapman supports the stated rationale.

Reconsideration and withdrawal of the rejections of claims 9-10 is requested.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicant has chosen not to swear behind Martin. Applicant, however, reserves the right, as provided for under 37 C.F.R. 1.131, to do so in the future as appropriate.

Finally, Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

Appl. No. 10/771,681
Paper dated November 21, 2005
Reply to Office Action dated August 19, 2005

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1948-4838.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: November 21, 2005

By: 

Matthew E. Blackburn
Registration No. 47,428

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile